

EXHIBIT D

ELECTRONIC FRONTIER FOUNDATION v. NSA, et al.
Draft Vaughn Index
September 3, 2015

ODNI/NSA #	GRANT CODE	DESCRIPTION OF INFORMATION CONTAINED WITHIN THE DOCUMENT	WITHHELD MATERIALS	SEGREGABILITY ANALYSIS
71	Released in part	The document is entitled "Commercial and Government Information Technology and Industrial Control Product or System Vulnerabilities Equities Policy and Process (U//FOUO)." It establishes policy and responsibilities for disseminating information vulnerabilities discovered by the United States Government or its contractors, or disclosed to the government by the private sector or foreign allies in Government Off the Shelf, Commercial Off the Shelf, or other commercial information technology or industrial control products or systems (to include both hardware and software).	Responsive information that has been redacted under exemption (b)(1) is currently and properly classified at the SECRET level and contains details of the process for disseminating information about information technology vulnerabilities discovered by the USG. Such vulnerabilities can significantly affect the operation and safety of cryptographic and information systems used within national security systems and US critical infrastructure. The unauthorized disclosure of the withheld information reasonably could be expected to cause serious damage to the national security of the United States. For example, disclosure of certain of the withheld information would provide adversaries of the United States with knowledge into the specific considerations that the US Government applies when a vulnerability is identified. Additionally, disclosure of certain of the withheld information would provide adversaries of the United States with information into the US Government's policies and processes for considering, adjudicating, and disseminating information related to cryptographic vulnerabilities or vulnerabilities discovered in relation to a national security system. Finally, certain of the withheld information would reveal the specific details of the US Government's adjudication process for identifying and reporting vulnerabilities, including the specific agencies that participate in the process, the conditions under which each agency participates, the timelines involved in the process, and the information that is submitted during the review process. Disclosure of such information would present a counterintelligence risk to the United States by allowing adversaries of the United States to target the VEP process and its participants for intelligence and espionage purposes. Withheld information would provide adversaries' foreign intelligence services with a roadmap for recruiting potential assets, monitoring operational security indicators, and tracking the activities of VEP principals. Targeting US	A line-by-line segregability analysis of the document has been conducted by the relevant Original Classification Authorities for the ODNI and the NSA and, pursuant to that analysis, the non-exempt material within the document is being released.

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			<p>Government VEP participants would allow adversaries to gain unique insights into the vulnerabilities discovered by US Government elements and allow such adversaries to gain greater understanding of US cyber operations and capabilities, which would be used by those adversaries to further develop and improve their own capabilities.</p> <p>Responsive information has also been redacted pursuant to exemption (b)(3). Certain of the withheld information implicates intelligence sources and methods, including those employed to identify and address vulnerabilities within U.S. government information systems and to protect research and development and critical infrastructure information necessary to ensure the proper function of those information systems. This information requires protection from unauthorized disclosure under the DNI's authority to protect intelligence sources and methods under Section 102A(i) of the National Security Act of 1947, as amended [50 U.S.C. § 3024(i)]. Other information has been withheld pursuant to Section 6 of the National Security Agency Act of 1959, Pub. L. No. 86-36 [codified at 50 U.S.C. § 3605]. Section 6 provides that "[n]othing in this Act or any other law . . . shall be construed to require the disclosure of the organization or any function of the National Security Agency, [or] of any information with respect to the activities thereof. . . ." NSA is the Executive Secretariat for the VEP and, as such, certain of the withheld information concerns NSA's functions and activities in this role.</p> <p>Responsive information has also been redacted under exemption (b)(5) because it would reveal the timing of the deliberative process employed to create the Vulnerabilities Equities Process ("VEP") and identify the specific participants in that deliberative process. Likewise, information identifying the decision-making</p>	

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			body in the VEP has been redacted under exemption (b)(5). As discussed above, where the deliberative process concerns sensitive national security matters such as the VEP, disclosure of such information creates counterintelligence risks. Additionally, both with respect to the creation of the VEP and the identification of the participants in the VEP, disclosure of such details in this highly sensitive process would hamper and potentially disrupt the thorough and frank discussions necessary to assure the proper function of the VEP.	